REMARKS

In the above-mentioned, Final Office Action, all of the pending claims, claims 33-65, were rejected. Claims 33-36, 40-45, and 49-50 were rejected under Section 102(b) over 3GPP document 3GPP TS 25.304V4.50. Claims 37-38 and 46-47 were rejected under Section 103(a) over the combination of the 3GPP document and Czaja. Claims 39, 48, 51-54, 57-62, and 64-65 were rejected under Section 103(a) over the combination of the 3GPP document and a second 3GPP document, UE procedures in idle mode and procedures for cell reselection in connected mode.

The Examiner further provided responsive comments to the Applicant's arguments set forth in the Applicants' amendment dated 23 July 2009. In the Examiner's comments, the Examiner stated that the 3GPP document discloses that, when returning to an idle mode from a connected mode, the UE selects a suitable cell to camp on. The Examiner also stated that he interprets the candidate cells to be all cells, not just cells in a connected mode state. And, the candidate cells are the cells used immediately before leaving the connected mode. The Examiner further stated that the 3GPP document discloses that, when no suitable cell is found, at least one of the cells of the candidate cells is a cell that does not support the connected mode state.

The Examiner further stated that the claims of the subject patent application broadly recite a candidate set of cells in which at least one cell is not a cell supporting the existing the connected mode state. But, the Examiner stated that the 3GPP document shows a cell that does not support the connected mode state.

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Amendments set forth herein to the amended claims are believed to increase the clarity of the recited invention. Fundamentally, though, the Applicants traverse the Examiner's reliance upon the 3GPP document for disclosing the recited invention. And, for this reason, the Applicants respectfully traverse the Examiner's rejection of the claims.

Specifically, the Applicants assert that the Examiner's reading of (candidate cells) to be all cells, not just cells in a connected mode state, to be in error.

Section 5.2.7.1 of the 3GPP documents states, "when returning to idle mode from connected mode, the UE shall select a suitable cell to camp on. Candidate cells for this selection are the cell(s) used immediately before leaving connected mode. If no suitable cell is found, the UE shall use the stored information cell selection procedure in order to find a suitable cell to camp on."

The Applicants acknowledge that the 3GPP document discloses that, when a UE returns to an idle mode from the connected mode, the candidate cells for selection are the cell(s) used immediately before leaving the connected mode. But, to read "candidate cells" to comprise all cells, not just cells in the connected mode state, is contrary to the disclosure and the recitations of the claims.

The Applicants further specifically traverse the Examiner's statement that Section 5.2.7.1 of the 3GPP document discloses that when no suitable cell is found, then at least one of the cells of the candidate cells is a cell which does not support the connected mode state.

The candidates' cells for selection when returning to the idle mode from the connected mode are, just as section 5.2.7.1.4 states, the cells used immediately before leaving the connected mode. If this procedure fails, then the stored information cell selection procedure is used. But, this does not mean that the cells of the stored information cell selection procedure are candidate cells for cell selection when leaving the connected mode for the idle mode. That is to say, cells obtained pursuant to the stored information cell selection procedure are not candidate cells but, rather, are cells selected when none of the candidate cells are able to be camped on.

According to the 3GPP document, a UE, leaving the connected mode, first attempts to connect to one of the cells used immediately before leaving the connected mode. If that fails, then the UE attempts to connect to a cell using the stored information cell selection procedure. Only if the UE is unable to connect to one of the cells used immediately before leaving the connected mode. Will the UE attempt to connect to another cell.

A disadvantage exhibited by the existing art, as represented by Section 5.2.7.1 of the 3GPP document, is an inefficient use of resources. This problem of the existing art is described at page 7 of the disclosure. The serving cell may not be the best available cell, and the active set may not include the best available cell from which to select. The serving cell or active set is selected on the basis of the capacity needs of the UE in one particular connected state. When the UE moves from that state, the serving cell or active set may no longer be the most appropriate for the new state of the UE. Efficiency of the radio link and

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power consumption may no longer be optimized in that new state as the communication needs of the UE are possibly changed.

In contrast to the existing art, in the recited invention, a set of UMTS based candidate cells is identified, wherein at least one of the set of candidate cells is a cell that is not currently supporting the connected mode state. And, a candidate cell is selected from the identified set of candidate cells.

In its various embodiments, the recited invention permits a UE leaving a connected mode to camp on a most-appropriate cell in an idle mode, without unnecessary restriction to, or bias towards, the cells that were available for use in the connected mode. For these reasons, therefore, the Applicants assert that the recited inventions of the independent claims are novel over the 3GPP document.

The Applicants further note the Examiner's comment that the claims only broadly recite a candidate set of cells in which at least one cell is not a cell supporting the existing connected mode state. The Applicants assert, in response, that the independent claims recite the "selecting a cell from the identified set of candidate cells", a use of terminology consistent with that used in the existing art, e.g., the 3GPP document. And, the Applicants assert that the 3GPP document fails to disclose that, if the UE cannot connect to one of the cells used immediately before leaving the connected mode, then the UE shall attempt to connect to another cell using the stored information cell selection procedure. This does not mean that cells of the stored information cell selection procedure can be considered to be candidate cells for the selection of a cell to camp on when the UE returns to the idle mode

from the connected mode. Section 5.2.7.1 of the 3GPP document makes this distinction explicit.

The remaining dependent claims, which include all of the recitations of their respective parent claims, are believed to be patentably distinguishable over the cited references for the same reasons as those just-given with respect to their parent claims.

Accordingly, in light of the forgoing, independent claims 33, 42, and 59, as now-presented, and the remaining dependent claims dependent thereon, are believed to be in condition for allowance. Reexamination and reconsideration for allowance of the claims is therefore respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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